

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: Kevin Manke, et al.  
Filed: Herewith  
Entitled: OPEN HOLE FORMATION TESTING  
Group Art Unit: 2856  
Examiner: J. Wiggins

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As listed on the accompanying form PTO-SB-o8, the Applicants hereby call the examiner's attention to the following information of which they are aware, in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56. Copies of the listed references are enclosed with this Information Disclosure Statement.

U.S. Patents:

6,328,103	6,325,146	3,743,014	3,762,219	4,878,538	5,332,035
5,826,662	5,097,902	5,791,414	5,887,652	2,013,995	2,702,474
3,412,607	3,611,799	4,046,006	4,392,377	4,458,245	4,635,717
5,065,619	5,808,192	6,058,772	6,062,073	3,981,188	5,353,637

Foreign Patent Documents:

EP 0896126      EP 0295922      WO 00/58604 ✓

Search Report for Application No. EP 02253566

This Information Disclosure Statement is being filed under the provisions of 37 CFR §1.97(b)(3), which provides for the timely filing of an Information Disclosure Statement before the mailing of a first Office Action on the merits.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Further, the filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner.

Written notification that the enclosed documents have been considered in their entirety, by return of a copy of the enclosed form completed by the examiner, is respectfully requested.

Respectfully submitted,

KONNEKER & SMITH, P.C.



Marlin R. Smith  
Attorney for Applicants  
Registration No. 38,310

Dated: *June 19, 2003*

660 North Central Expressway  
Suite 230  
Plano, Texas 75074  
(972) 516-0030

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

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on June 23, 2003

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<div>Substitute for form 1449A/PTO</div> <div style="font-size: 1.2em; font-weight: bold; margin: 10px 0;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> <div>(use as many sheets as necessary)</div>				Complete if Known	
		Application Number	UNASSIGNED		
		Filing Date	HEREWITH		
		First Named Inventor	KEVIN MANKE		
		Group Art Unit	UNASSIGNED		
		Examiner Name	UNASSIGNED		
		Attorney Docket Number	2001-IP-004117U1D1USA		
Sheet	1	of	3		

U.S. PATENT DOCUMENTS						
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		6,328,103		PAHMIYER et al.	12-11-01	
		6,325,146		RINGGENBERG et al.	12-04-01	
		3,743,014		JESSUP	07-03-73	
		3,762,219		JESSUP	10-02-73	
		4,878,538		CHRISTENSEN	11-07-89	
		5,332,035		SCHULTZ et al.	07-26-94	
		5,826,662		BECK et al.	10-27-98	
		5,097,902		CLARK	03-24-92	
		5,791,414		SKINNER et al.	08-11-98	
		5,887,652		BECK et al.	03-30-99	
		2,013,995		A G H STRAATMAN	09-10-35	
		2,702,474		J. L. JOHNSTON	02-22-55	
		3,412,607		L. I. JENSEN	11-26-68	
		3,611,799		M. DAVIS	10-12-71	
		4,046,006		DUFRENE	09-06-77	
		4,392,377		RANKIN	07-12-83	
		4,458,245		CROSNIER et al.	07-03-84	
		4,635,717		JAGELER	01-13-87	
		5,065,619		MYSKA	11-19-91	
		5,808,192		SCHMIDT	09-15-98	

FOREIGN PATENT DOCUMENTS								
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		EP	0 896 126	A2	HALLIBURTON ENERGY	02-10-99		
		EP	0 295 922	A2	HALLIBURTON COMPANY	12-21-88		
		WO	00/58604	A1	DEN NORSKE STATS	10-05-00		

Examiner Signature		Date Considered	
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.



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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

**(use as many sheets as necessary)**

Sheet

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of

3

**Application Number**

UNASSIGNED

**Filing Date**

HEREWITH

**First Named Inventor**

**KEVIN MANKE**

**Group Art Unit**

UNASSIGNED

**Examiner Name**

UNASSIGNED

Attorney Docket Number

2001-IP-004117U1D1USA

[illegible][illegible]

Date \_\_\_\_\_

Considered

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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<div>Substitute for form 1449B/PTO</div> <div>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> <div>(use as many sheets as necessary)</div>			Complete if Known		
			Application Number	UNASSIGNED	
			Filing Date	HEREWITH	
			First Named Inventor	KEVIN MANKE	
			Group Art Unit	UNASSIGNED	
			Examiner Name	UNASSIGNED	
			Attorney Docket Number	2000-IP-004117U1D1USA	
Sheet	3	of	3		

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS				
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
		SEARCH REPORT FOR APPLICATION NO.: EP 02 25 3566		

Examiner Signature		Date Considered	
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	WO 00 58604 A (DIRDAL ROLF ;SELF JOHN C (NO); NORSKE STATS OLJESELSKAP (NO)) 5 October 2000 (2000-10-05) * page 2, line 14 - page 6, line 21; figures 2,4 *	1-5	E21B49/08
A	* the whole document *	6,8	
X	US 3 743 014 A (JESSUP R) 3 July 1973 (1973-07-03) * column 6, line 61 - column 10, line 22; figures 2,2A,5A,6A *	1,2	
A	* column 1, line 8 - column 6, line 23 *	3-6	
X	EP 0 896 126 A (HALLIBURTON ENERGY SERV INC) 10 February 1999 (1999-02-10) * column 7, line 13 - column 8, line 22; figure 1 *	8,9	
A	US 3 762 219 A (JESSUP R) 2 October 1973 (1973-10-02) * the whole document *	1,6	
A	US 4 878 538 A (CHRISTENSEN JON B) 7 November 1989 (1989-11-07) * column 2, line 20 - column 2, line 62 *	1,6,8	E21B
A	EP 0 295 922 A (HALLIBURTON CO) 21 December 1988 (1988-12-21) * column 3, line 50 - column 4, line 7 *	10	
The present search report has been drawn up for all claims			
Place of search MUNICH		Date of completion of the search 18 July 2002	Examiner Morrish, S
<div>CATEGORY OF CITED DOCUMENTS</div> <div>X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document</div> <div>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons &amp; : member of the same patent family, corresponding document</div>			



The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. Claims: 1-5

A system for performing a test on a formation intersected by a wellbore, the system comprising a fluid barrier reciprocally displaceable within an apparatus into which fluid from the formation is flowed and a valve being operated in response to displacement of the barrier.

2. Claims: 6-7

A system for performing a test on a formation intersected by a wellbore, the system comprising at least one packer, a fluid barrier reciprocally displaceable within the apparatus and a module interconnected to the packer which alternately permits and prevents setting and unsetting of the packer.

3. Claims: 8-10

A system for performing a test on a formation intersected by a wellbore, the system comprising an apparatus including at least one waste chamber and at least one packer configured for isolating the formation.





### CLAIMS INCURRING FEES

The present European patent application comprised at the time of filing more than ten claims.

- ☐ Only part of the claims have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims and for those claims for which claims fees have been paid, namely claim(s):
- ☐ No claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims.

### LACK OF UNITY OF INVENTION

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

see sheet B

- ☐ All further search fees have been paid within the fixed time limit. The present European search report has been drawn up for all claims.
- ☒ As all searchable claims could be searched without effort justifying an additional fee, the Search Division did not invite payment of any additional fee.
- ☐ Only part of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the inventions in respect of which search fees have been paid, namely claims:
- ☐ None of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims, namely claims:

**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

EP 02 25 3566

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on  
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

18-07-2002

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
WO 0058604	A	05-10-2000	NO	991577 A	02-10-2000
			AU	3577800 A	16-10-2000
			BR	0009509 A	19-02-2002
			EP	1194679 A1	10-04-2002
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